REMARKS

1. Status of the Claims

Claims 1, 5-14, and 17-31 are pending in the Application. Claims 1 and 19 are independent claims and the remaining are dependent claims. The Applicant believes that the rejections contained in the Office Action have been overcome as discussed below. Support for the pending claims may be found, *inter alia,* in the specification at page 6, lines 2-3, and Figs. 2-6.

2. Summary of the Office Action

In the first office action after Request for Continued Examination (RCE) mailed August 22, 2007, the Office rejected claims 1, 5-10, 12-14, 17-25, and 27-31 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,010,922 (Heller) in view of U.S. Design Patent No. 447,649 (Mason), and in further view of U.S. Patent No. 3,415,475 (Goodman). Also, the Office rejected claims 11 and 26 under 35 U.S.C. § 103(a) as being obvious over Heller in view of Mason, in further view of Goodman, and in further view of U.S. Patent No. 4,081,012 (Wallace).

3. Response to § 103(a) Rejections of Claims 1, 5-10, 11-14, 17-31 Over Heller in View of Mason

For the reasons detailed below, Applicant respectfully submits that there is not sufficient evidentiary support in the record to permit the Office to establish a *prima facie* case of obviousness for Applicant's pending claims. At the very least, Applicant submits that the prior art references do not disclose the elements of amended independent claims 1 and 19, and thus the prior art references also do not disclose the elements of the remaining dependent claims. Applicant respectfully traverses the rejections and requests favorable reconsideration.

Claim 1 as currently pending recites, *inter alia*, a solid one-piece base with a dome configuration and internal threads, where the base may rest upon the floor. Further, the base has a plurality of unitary support veins extending from a central hub which each terminate in a floor pad. Claim 1 further recites, *inter alia*, a solid one-piece spider plate with internal threads, where the spider plate may directly receive a table top. Claim 19 as currently pending recites similar features, but omits the dome configuration element of the solid one-piece base and adds that each of the plurality of unitary support veins is located on the underside of the base. The explicit language of both independent claims indicates that the base and spider plate are **solid** constructs (i.e., not hollow) and that both structures are **one-piece** constructs (i.e., not an assembly of separate pieces). The preferred iron casting process (as set forth in Applicant's specification, *for example*, at page 6, lines 2-3) for the manufacture of bases and spider plates as shown in Figures 2-6 necessarily yields solid, one-piece structures heavy enough to provide a stable base and table mounting surface and strong enough to support significant loads.

As previously recognized by the Office, but not necessarily for the same reasons as described in any previous Office Action, the portable post support disclosed in Heller and cited as prior art is not the same as the base claimed by Applicant. For instance, the base of Heller comprises more than a dozen separate parts, which is very different from the one-piece structure disclosed by Applicant. Heller's base comprises a base 12, dowel pins 44, front legs 50, rear legs 70, support braces 60, nuts 64, bolts 62, leaf springs 72, flat head screws 74, and a leveling screw 80. As such, Heller teaches a **multi-component base,** the very antithesis of the **one-piece base** recited by Applicant's claims.

Heller uses the term "base" in common with Applicant, but as can be appreciated by the distinctions drawn above the physical structure of Applicant's base is distinctly different from

the base disclosed by Heller. The Heller component 12 that is cited by the Office as prior art to Applicant's solid one-piece base is, by Heller's own description, merely a base member. (Heller, column 3, lines 12-14, lines 21-24.) "Member" is defined by *Webster's Third New International Dictionary* as "a constituent part of a whole." Accordingly, Heller's base member 12 is distinct from Applicant's one-piece base 10. Applicant unequivocally uses "base" 10 to represent the entire post support that is completely constructed and fully able to support a post, whereas Heller's "base" 12 is just one component of the total post support and is incapable of supporting a post until all the other components listed above are attached to it. Thus, Heller does not disclose the solid one-piece base claimed by Applicant. The skilled worker would not have understood the base provided by Heller to encompass a one-piece base as disclosed by Applicant; indeed, the multicomponent base of Heller teaches away from Applicant's unitary, one-piece base, and the skilled worker would not have any reason to substitute Applicant's base for the base set forth by Heller.

Further, the Office asserts on page 2 of the Action that Heller discloses a plurality of support veins terminating in floor pads, but goes on to state on page 3 that Heller fails to disclose a plurality of unitary support veins extending from the central hub located on the underside of the base. Despite this seeming contradiction, the base of Heller in fact does not have unitary support veins on the underside of the base. Equating the legs 50 of the Heller post support to the unitary support veins 16 of the Applicant's base is incorrect. The Heller legs 50 serve to support the post support. The Applicant's veins 16 serve to reinforce the base. If you remove the Heller legs 50 from the disclosed invention, the post support easily tips over, destroying its useful functionality as a stable post support. If you remove the veins 16 from the Applicant's base, the base would still function as a stable table support. Additionally, the legs 50 are not on the

underside of any identifiable base, rather they are a defining structure of the Heller base and are not under any other "base." Thus, Applicant respectfully submits that the Heller reference would not render obvious his pending claims.

Similarly, the portable post support disclosed in Heller and cited as prior art is structurally different from the one-piece spider plate disclosed and recited in Applicant's claims. Applicant's claims recite a one-piece spider plate structure that directly receives a table top and threads onto the support column. In the first place, the Heller device was never intended as a table top carrier (instead being intended for directly mounting bench-top apparatus) (Heller, column 3, lines 54-63). Even if it was adapted to receive a table top, the Heller device would still require at least three of the disclosed structures to receive and mount the table top to the post: the adapter support 22 and the adapter plate 30, which are attached together via screws 34. As with the differences between the multi-component base disclosed by Heller and the one-piece base recited in the pending claims, Heller's **multi-component spider plate** is not a **one-piece spider plate** as claimed by Applicant. The skilled worker would not have understood the multi-component spider plate provided by Heller to encompass a one-piece spider plate as disclosed by Applicant; indeed, the multicomponent spider plate of Heller teaches away from Applicant's unitary, one-piece spider plate, and the skilled worker would not have any reason to substitute Applicant's spider plate for the spider plate set forth by Heller.

Applicant submits that the combination of the teachings of the Mason reference with the Heller reference does not make up for the substantial deficiencies of Heller set forth above, as Mason also fails to teach a one-piece base with unitary support veins that terminate in floor pads. Mason merely teaches a multi-piece base directed to a mobile merchandise display stand with casters, not a one-piece base with floor pads directed to a stationary table. Mason's base

requires at a minimum a dome shell, a plurality of casters, and hardware to attach the casters to the dome shell. As such, Mason's base is a multi-component base like Heller's, not a one-piece base like Applicant's. Indeed, the cumulative teachings of the Heller and Mason references indicates even more strongly than the teachings of the Heller reference alone that the cited art teaches away from a one-piece base. The skilled worker, regarding the combination of the Heller and Mason teachings, would have appreciated that the prior art taught multi-component bases for use as table supports, not one-piece bases.

Further, Mason's veins do not terminate in floor pads, as claimed by Applicant; instead the veins terminate in the side of the dome shell to support additional transverse veins that allow casters to be attached to the dome shell. The argument that it would be obvious to include a floor pad at the end of the support veins to provide anti-marking means when the base is being moved is not supported by art (Mason) where only the casters make contact with the floor. Further, including floor pads with a base as described by Mason would create friction between the base and the floor, impeding the movement of the base, which by virtue of the casters, is intended to be mobile. Thus, the asserted motivation for modifying the cited art would render that art inoperable for its intended purpose.

In addition to these deficiencies, Mason fails to disclose an aperture with internal threads. For all of these reasons these reasons, the teachings of the Mason reference do not overcome Heller's deficiencies, and the combination of the Heller and Mason references do not render the pending claims obvious.

Applicant notes that over the course of prosecution of this application, the Office has cited a varying list of prior art references to overcome the deficiencies of Heller, including, but not limited to: U.S. Patent No. 6,517,043 ("Cahill"), U.S. Patent No. 5,680,732 ("Skouras"), U.S.

Design Patent No. 495,536 ("Lucht"), and U.S. Patent 3,415,475 ("Goodman"). None of the cited references, alone or combination, cure the significant deficiencies of Heller. Indeed, Applicant respectfully submits that the volume of these secondary references suggests serious deficiencies in the primary cited Heller reference. For example, Cahill discloses a multi-piece base directed to a fan with casters, not a one-piece base directed to a stationary table. Skouras discloses a jack assembly for lifting heavy loads and bears little relation to a table base, nor has the Office proffered a reason why the skilled worker would look to art relating to a jack assembly to solve a problem relating to a table base. At the very least, the jack assembly does not exhibit a dome configuration, does not have support veins on the underside of a table base, and does not have a spider plate for directly receiving a table top, all distinctions that teach away from Applicant's claimed invention. Assertion of the Lucht design patent in support of an obviousness determination combined with Heller, among other things, is fundamentally flawed in that the Lucht design has decorative grooves that actually weaken the structure rather than unitary support veins which strengthen the structure. Finally, the weighted base of Goodman is a **hollow**, not **solid**, shell 12, filled with a cementitious composition 20, which is separately required to provide weight and stability. It includes no support veins and requires a separate socket or bushing 162 to be inserted into the base in order to provide internal threads. Further, in order to support a threaded post, the base of Goodman requires a molded shell 158, an inserted bushing 162, and a screw 174 to hold the bushing. Goodman's base is therefore not a solid one-piece base, as claimed by Applicant.

Of particular significance to this current prosecution, there is no reason identified either within the references themselves or by the Office as to why a person of ordinary skill would have combined the asserted prior art elements in the manner claimed by the Applicant. Applicant

created a robust system for easily shipping and then quickly assembling a wide variety of stable table bases with an absolute minimum of parts. Applicant identified the problem of labor-intensive assembly of easily-shippable multi-component table base systems (Application, page 2) and solved that problem with the one-piece spider plate, one-piece base, and column claimed in the application. The references cited against the Applicant come from a disparate variety of subject matter areas (building jacking, electrical fan supports, collapsible post supports, decorative merchandise displays) and no reason has been given as to why a person of ordinary skill would have looked to those various subject matter areas to create a stable, sturdy, heavy table base that was easily shippable, yet could be assembled quickly.

Because the cited references do not, taken alone or in combination, lead the skilled worker to each and every element of independent claims 1 and 19, Applicant respectfully submits that the claims cannot be properly rejected as being obvious under 35 U.S.C. §103(a). Further, Applicant respectfully submits that one of ordinary skill would not have had any reason for looking to the disparate collection of prior art to create the easily-shippable, yet robust, table base created by Applicant. Applicant points out that pending claims 5-14, 17-18, and 20-31 depend from and include all of the limitations of claims 1 or 19. Therefore, without conceding the other assertions contained in the Action, these claims are distinct from, and non-obvious over, the cited references for the same reasons discussed above with regard to claims 1 and 19.

Specifically with regard to rejection of claims 7, 8, 23 and 24 for being obvious over the Heller teachings taken in light of Mason, these claims are patentably distinct from the cited references for all the reasons set forth above, and for the additional reason that none of the cited references disclose a spider plate having a plurality of unitary support arms extending from the central hub. The Office has asserted (in the Office Action mailed June 15, 2006) that the shelf

supports 25 disclosed in Heller (as shown in Fig. 2) constitute "unitary support arms" on the spider plate. On the contrary, Heller's shelf supports 25 merely support the rectangular adapter plate 30. These shelf supports 25 do not perform the same function as Applicant's spider plate support arms 46, which make direct contact with the table to support it and do not support any internal structure within the spider plate. Therefore, Heller's rectangular adapter plate 30, which directly contacts and supports the disclosed bench-type apparatus 40 (Heller, column 3, lines 50-56), is the element that must have support arms as claimed in claims 7 and 23. However, Heller's adapter plate 30 is rectangular in shape and has no arms. Even if the adapter plate 30 could be considered an "arm" itself (which it is not), there is only one and not a plurality as claimed by Applicant. Thus, Heller does not disclose a spider plate having a plurality of unitary support arms and claims 7, 8, 23, and 24 are allowable over the prior art.

Applicant respectfully contends that the asserted grounds of rejection based on 35 U.S.C. §103(a) in view of the art cited in the Office Action, as well as all art previously cited in previous Office Actions in support of previously-asserted rejections for obviousness, have been traversed by their arguments in view of their previously-presented (but not considered) amendments, Applicant thus respectfully requests that the Examiner in charge of this application withdraw the rejections of claims 1, 5-14, and 17-31 and pass these claims to issue.

CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below if any questions arise or if he may be of any further assistance to the Examiner.

Respectfully submitted,
McDONNEL BOEHNEN
HULBERT & BERGHOFF LLP

Date: December 6, 2007

By:/Kevin E. Noonan/
Kevin E. Noonan
Reg. No. 35,303

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606
Telephone: (312) 913-0001